

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 463, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Delete page 2,
- 3 Page 3, delete lines 1 through 1 through 38.
- 4 Page 9, line 16, delete "section" and insert "**subsection**".
- 5 Page 9, between lines 28 and 29, begin a new paragraph and insert:
- 6 "SECTION 4. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the
- 8 administration and collection of the annual license excise tax imposed
- 9 by this chapter, may utilize the services and facilities of license
- 10 branches operated under IC 9-16 in its administration of the motor
- 11 vehicle registration laws of the state of Indiana. The license branches
- 12 may be so utilized in accordance with such procedures, in such manner,
- 13 and to such extent as the bureau shall deem necessary and proper to
- 14 implement and effectuate the administration and collection of the
- 15 excise tax imposed by this chapter. However, in the event the bureau
- 16 shall utilize such license branches in the collection of excise tax, the

1 following apply:

2 (1) The excise taxes so collected by each license branch, less any
3 refunds made by the license branch, shall be deposited daily by
4 the license branch in a separate account in a depository duly
5 designated by the state board of finance. The county treasurer of
6 the county for which the collections are due may withdraw funds
7 from the account at least two (2) times each week. The county
8 treasurer is responsible for the safekeeping and investment of
9 money withdrawn by the county treasurer under this subsection.
10 Before the eleventh day of the month following the month in
11 which the collections are made, the bureau of motor vehicles shall
12 report the excise taxes collected and refunds made outside the
13 county to the county treasurer of the county to which the
14 collections are due and the refunds apply. The bureau shall
15 forward a copy of this excise tax report to the county auditor of
16 the county.

17 (2) A license branch shall each week forward a report to the
18 county auditor of the county to whom the collections are due,
19 showing the excise tax collected on each vehicle, each refund on
20 a vehicle, and a copy of each registration certificate for all
21 collections and refunds within the county.

22 (3) Each license branch shall also report to the bureau all excise
23 taxes collected and refunds made under this chapter in the same
24 manner and at the same time as registration fees are reported.

25 (4) Premiums for insurance to protect the funds collected by
26 license branches against theft shall be paid by the bureau, except
27 that the bureau may issue blanket coverage for all branches at its
28 discretion. At the discretion of the bureau, the bureau may:

29 (A) self-insure to cover the activities of the license branches;
30 or

31 (B) rather than purchase a bond or crime policy for each
32 branch, purchase a single blanket bond or crime insurance
33 policy endorsed to include faithful performance to cover all
34 branches.

35 (5) If the services of a license branch are used by the bureau in the
36 collection of the excise tax imposed by this chapter, the license
37 branch shall collect the service charge prescribed under IC 9-29
38 for each vehicle registered upon which an excise tax is collected

1 by that branch.

2 (6) If the excise tax imposed by this chapter is collected by the
3 department of state revenue, the money collected shall be
4 deposited in the state general fund to the credit of the appropriate
5 county and reported to the bureau of motor vehicles on the first
6 working day following the week of collection. Except as provided
7 in subdivision (7), any amount collected by the department which
8 represents interest or a penalty shall be retained by the department
9 and used to pay its costs of enforcing this chapter.

10 (7) This subdivision applies only to interest or a penalty collected
11 by the department of state revenue from a person who:

12 (A) fails to properly register a vehicle as required by IC 9-18
13 and pay the tax due under this chapter; and

14 (B) during any time after the date by which the vehicle was
15 required to be registered under IC 9-18 displays on the vehicle
16 a license plate issued by another state.

17 The total amount collected by the department that represents
18 interest or a penalty, minus a reasonable amount determined by
19 the department to represent its administrative expenses, shall be
20 deposited in the state general fund for the credit of the county in
21 which the person resides. The amount shall be reported to the
22 bureau of motor vehicles on the first working day following the
23 week of collection.

24 The bureau may contract with a bank card or credit card vendor for
25 acceptance of bank or credit cards. ~~However, if there is a vendor~~
26 ~~transaction charge or discount fee, whether billed to the bureau or~~
27 ~~charged directly to the bureau's account, the bureau shall collect from~~
28 ~~the person using the card an official fee that may not exceed the highest~~
29 ~~transaction charge or discount fee charged to the bureau by bank or~~
30 ~~credit card vendors during the most recent collection period. This fee~~
31 ~~may be collected regardless of retail merchant agreements between the~~
32 ~~bank and credit card vendors that may prohibit such a fee. The fee is a~~
33 ~~permitted additional charge under IC 24-4.5-3-202.~~

34 (b) On or before April 1 of each year the bureau shall provide to the
35 auditor of state the amount of motor vehicle excise taxes collected for
36 each county for the preceding year.

37 (c) On or before May 10 and November 10 of each year the auditor
38 of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and
 (2) any penalty or interest described in subsection (a)(7);
 that have been credited to the county under subsection (a). There is
 appropriated from the state general fund the amount necessary to make
 the distributions required by this subsection. The county auditor shall
 apportion and distribute the delinquent tax distributions to the taxing
 units in the county at the same time and in the same manner as excise
 taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the
 bonds or crime policies required by this section."

Page 9, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 6. IC 9-13-2-49.5 IS ADDED TO THE INDIANA
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket",
 for purposes of IC 9-30-3, has the meaning set forth in
 IC 9-30-3-2.5."**

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 11. IC 9-14-5-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The bureau shall
 issue a placard to the following:

(1) An individual of any age who:

(A) has a temporary or permanent physical disability that
 requires the use of a wheelchair, a walker, braces, or crutches;

(B) has temporarily or permanently lost the use of one (1) or
 both legs;

(C) is certified to be severely restricted in mobility, either
 temporarily or permanently, due to a pulmonary or
 cardiovascular disability, arthritic condition, or orthopedic or
 neurological impairment, by:

(i) a physician having an unlimited license to practice
 medicine;

(ii) a physician who is a commissioned medical officer of
 the armed forces of the United States or of the United States
 Public Health Service;

(iii) a physician who is a medical officer of the United States
 Department of Veterans Affairs;

(iv) a chiropractor licensed under IC 25-10-1; ~~or~~

(v) a podiatrist licensed under IC 25-29-1; or

1 **(vi) an advanced practice nurse licensed under IC 25-23;**
 2 **or**

3 (D) is certified by an optometrist or ophthalmologist licensed
 4 to practice in Indiana to be blind or visually impaired.

5 (2) Any corporation, limited liability company, partnership,
 6 unincorporated association, and any legal successor of the
 7 corporation, limited liability company, partnership, or association,
 8 empowered by the state or a political subdivision to operate
 9 programs, including the provision of transportation, or facilities
 10 for persons with physical disabilities."

11 Page 10, delete lines 36 through 42.

12 Delete page 11.

13 Page 12, delete lines 1 through 4.

14 Page 13, line 31, delete "After" and insert **"Except as provided in**
 15 **subsection (c), after"**.

16 Page 14, delete lines 21 through 29, begin a new paragraph and
 17 insert:

18 **"(c) For purposes of subsection (b), an individual certified as a**
 19 **program participant in the address confidentiality program under**
 20 **IC 5-26.5 is not required to provide the individual's principal**
 21 **address and mailing address, but may provide an address**
 22 **designated by the office of the attorney general under IC 5-26.5 as**
 23 **the individual's principal address and mailing address."**

24 Page 16, between lines 9 and 10, begin a new paragraph and insert:

25 "SECTION 16. IC 9-24-11-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) An individual
 27 may not have more than one (1) valid driver's license at a time.

28 **(b) An individual may not hold a driver's license and an**
 29 **identification card issued under IC 9-24-16 at the same time."**

30 Page 16, line 12, delete "A" and insert **"Except as provided in**
 31 **subsection (i), a"**.

32 Page 17, line 41, after "purpose." insert **""**.

33 Page 18, between lines 17 and 18, begin a new paragraph and insert:

34 **"(i) For purposes of subsection (a), an individual certified as a**
 35 **program participant in the address confidentiality program under**
 36 **IC 5-26.5 is not required to provide the address of the individual's**
 37 **principal residence, but may provide an address designated by the**
 38 **office of the attorney general under IC 5-26.5 as the address of the**

1 **individual's principal residence."**

2 Page 19, line 33, delete "IC 9-24-16-3.5 (1)(E)" and insert "**IC**
3 **9-24-16-3.5(1)(E)**".

4 Page 19, line 34, delete "though" and insert "**through**".

5 Page 19, between lines 37 and 38, begin a new paragraph and insert:
6 "SECTION 22. IC 9-24-12-6 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this
8 section, "good cause" includes the following:

9 (1) Temporarily residing at least fifty (50) miles outside the
10 boundaries of Indiana.

11 (2) Serving in the armed forces of the United States.

12 (b) The bureau may renew a valid Indiana operator's license held by
13 an individual temporarily residing outside Indiana if the applicant does
14 the following:

15 (1) Shows good cause why the license cannot be renewed within
16 Indiana.

17 (2) Submits a completed application provided by the bureau and
18 payment of the fee required in IC 9-29-9.

19 **(3) Submits a written affidavit that affirms that no source**
20 **document upon which the operator's license was issued has**
21 **changed or been altered since the prior issuance of the**
22 **operator's license.**

23 (c) The Indiana operator's license of an individual who is
24 temporarily residing outside Indiana remains valid for thirty (30) days
25 beyond the expiration date of that license if the individual meets the
26 following conditions:

27 (1) Has applied for a renewal of the license.

28 (2) Has not been denied a renewal of the license by the bureau.

29 (d) Upon receiving an application for the renewal of an Indiana
30 operator's license from an individual temporarily residing outside
31 Indiana, the bureau shall do the following:

32 (1) Either renew or deny the renewal of the license within ten (10)
33 days.

34 (2) Notify the individual of the decision.

35 (e) When the Indiana operator's license of an individual who is
36 temporarily residing outside Indiana because of service in the armed
37 forces of the United States has expired, the license remains valid for
38 ninety (90) days following the person's discharge from service in the

1 armed forces. To obtain a renewed license, the individual must do the
2 following:

- 3 (1) Apply for a renewal of the operator's license during the ninety
4 (90) day period following the individual's discharge.
- 5 (2) Show proof of the individual's discharge from service in the
6 armed forces when applying for the renewal."

7 Page 20, between lines 37 and 38, begin a new paragraph and insert:
8 "SECTION 24. IC 9-24-13-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If:

- 10 (1) an individual holding a license or permit issued under this
11 article changes the address shown on the license or permit
12 application; or
- 13 (2) the name of a licensee or permittee is changed by marriage or
14 otherwise;

15 the licensee or permittee shall immediately notify the bureau in writing
16 of the licensee's or permittee's old and new address or of the former
17 name and new name and the number of the license or permit held by
18 the licensee or permittee: **make application for a duplicate driver's**
19 **license or permit under IC 9-24-9 containing the correct**
20 **information within thirty (30) days of the change."**

21 Page 21, line 14, delete "After" and insert **"Except as provided in**
22 **subsection (e), after"**.

23 Page 21, between lines 38 and 39, begin a new paragraph and insert:
24 **"(e) For purposes of subsection (b), an individual certified as a**
25 **program participant in the address confidentiality program under**
26 **IC 5-26.5 is not required to provide the individual's principal**
27 **address and mailing address, but may provide an address**
28 **designated by the office of the attorney general under IC 5-26.5 as**
29 **the individual's principal address and mailing address."**

30 Page 22, line 2, after "(b)" delete "The" and insert **"Except as**
31 **provided in subsection (g), the"**.

32 Page 23, between lines 27 and 28, begin a new paragraph and insert:
33 **"(g) For purposes of subsection (b), an individual certified as a**
34 **program participant in the address confidentiality program under**
35 **IC 5-26.5 is not required to provide the address of the individual's**
36 **principal residence, but may provide an address designated by the**
37 **office of the attorney general under IC 5-26.5 as the address of the**
38 **individual's principal residence."**

1 Page 25, between lines 35 and 36, begin a new paragraph and insert:

2 "SECTION 32. IC 9-29-9-2.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
4 **[EFFECTIVE JULY 1, 2007]: Sec. 2.5. The bureau may adopt rules**
5 **under IC 4-22-2 to impose a service charge for the issuance of a**
6 **duplicate operator's license or permit issued under IC 9-24-13-4.**

7 SECTION 33. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
9 **1, 2007]: Sec. 2.5. (a) As used in this chapter, "electronic traffic**
10 **ticket" means:**

11 (1) **a traffic information and summons; or**

12 (2) **a complaint and summons;**

13 **for traffic cases that is in an electronic format prescribed by the**
14 **division of state court administration.**

15 (b) **An electronic traffic ticket may be referred to as an**
16 **"e-citation".**

17 SECTION 34. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE
18 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
19 **1, 2007]: Sec. 5.3. In prescribing the contents of an electronic**
20 **traffic ticket, the division of state court administration shall**
21 **require the inclusion in an electronic traffic ticket of the contents**
22 **required in an information and summons under section 6 of this**
23 **chapter. The division of state court administration may modify the**
24 **prescribed contents of an electronic traffic ticket as necessary for**
25 **the ticket to be in an electronic format.**

26 SECTION 35. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE
27 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
28 **1, 2007]: Sec. 5.7. (a) When a law enforcement officer issues an**
29 **electronic traffic ticket, the law enforcement officer:**

30 (1) **may print the electronic traffic ticket at the site of the**
31 **traffic violation; and**

32 (2) **shall inform the individual to whom the electronic traffic**
33 **ticket has been issued and note on the electronic traffic ticket**
34 **whether the individual must appear in court on a specific date**
35 **at a specific time.**

36 (b) **An electronic traffic ticket issued under this chapter that**
37 **bears a printed or digital signature of:**

38 (1) **the law enforcement officer who issued the electronic**

1 traffic ticket; and

2 (2) the prosecuting attorney, or a representative of the office
3 of the prosecuting attorney, of the county in which the
4 electronic traffic ticket was issued;

5 is admissible in a court proceeding as if the signatures referred to
6 in subdivisions (1) and (2) were original signatures.

7 (c) A law enforcement officer who issues an electronic traffic
8 ticket may transmit the electronic traffic ticket to the court
9 electronically if the court and the electronic traffic ticket are in
10 compliance with the administrative rules adopted by the supreme
11 court.

12 (d) A law enforcement officer who issues an electronic traffic
13 ticket shall indicate on the electronic traffic ticket whether the law
14 enforcement officer served the person receiving the electronic
15 traffic ticket.

16 (e) The electronic transmission of an electronic traffic ticket
17 shall be considered by the court as an original certified copy of the
18 traffic information and summons or complaint and summons. An
19 electronic traffic ticket may be used:

20 (1) to notify the bureau of an Indiana resident who fails to:

21 (A) appear; or

22 (B) answer a traffic information and summons or
23 complaint and summons;

24 (2) to notify the bureau of a defendant who is not an Indiana
25 resident and who fails to:

26 (A) appear; or

27 (B) answer a traffic information and summons;

28 (3) to notify the bureau upon a final determination of a
29 defendant's failure to appear; or

30 (4) as a record of a traffic case that an individual has been
31 charged with a traffic offense when:

32 (A) the individual has been convicted;

33 (B) a judgment has been entered; or

34 (C) a finding has been made by a court.

35 SECTION 36. IC 9-30-3-6 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does**
37 **not apply to electronic traffic tickets.**

38 (b) In traffic cases, the information and summons shall be in

1 substantially the following form:
 2 In the _____ Court of _____ County
 3 Cause No. _____ Docket No. _____
 4 Page No. _____
 5 State of Indiana
 6 SS: _____ No. _____
 7 County of _____
 8 INFORMATION AND SUMMONS
 9 The undersigned having probable cause to believe and being duly
 10 sworn upon his oath says that:
 11 On the _____ Day of _____, 20 ____ at ____ M
 12 Name _____
 13 Last First Middle
 14 Street _____
 15 City _____ State _____ Zip Code _____
 16 Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____
 17 Oper. Lic. # _____ St. _____ Did Unlawfully
 18 Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____
 19 Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
 20 Upon, (Location) _____
 21 _____
 22 A PUBLIC STREET OR HIGHWAY IN _____
 23 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
 24 _____
 25 _____
 26 CONTRARY TO THE FORM OF THE () STATE STATUTE
 27 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 28 OFFICER'S SIGNATURE _____
 29 I.D. No. _____ Div. Dist. _____
 30 POLICE AGENCY _____
 31 Subscribed And Sworn to Before Me
 32 (Deputy Clerk) _____
 33 This _____ Day of _____, 20 ____
 34 COURT APPEARANCE
 35 I PROMISE TO APPEAR IN COURTROOM
 36 _____
 37 ADDRESS: _____
 38 ON _____ THE _____ DAY OF _____, 20 ____ AT

1 __ M. OR BE SUBJECT TO ARREST.

2 SIGNATURE _____

3 "YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

4 The information and summons shall consist of four (4) parts:

5 (1) the original copy, printed on white paper, which shall be the
6 abstract of court record for the Indiana bureau of motor vehicles;

7 (2) the court copy, printed on white paper;

8 (3) the police record, which shall be a copy of the information,
9 printed on pink paper; and

10 (4) the summons copy, printed on white stock.

11 The reverse sides of the information and abstract of court record
12 shall be substantially as follows, with such additions or deletions as are
13 necessary to adapt the form to the court involved:

14 RECEIPT # _____

15 DATE _____

16 COURT ACTION AND OTHER ORDERS

17 BAIL \$ _____

18 REARREST BOND \$ _____ DATE _____

19 1. CONTINUANCE TO ____ 4. CONTINUANCE TO ____

20 2. CONTINUANCE TO ____ 5. CONTINUANCE TO ____

21 3. CONTINUANCE TO ____ 6. CONTINUANCE TO ____

22 Motions Date Ruling Date

23 1. ____ ____ ____ ____

24 2. ____ ____ ____ ____

25 3. ____ ____ ____ ____

26 4. ____ ____ ____ ____

27 PLEA () GUILTY

28 () NOT GUILTY

29 FINDING () GUILTY

30 () NOT GUILTY

31 THE COURT THEREFORE, ENTERS

32 THE FOLLOWING ORDER

33 FINE \$ _____ AMOUNT SUSP. \$ _____

34 (STATE) \$ _____

35 COSTS

36 (CITY) \$ _____

37 _____ DAYS IN _____ DAYS SUSP.

38 _____

1 () RECOMMENDED LICENSE SUSPENDED FOR _____
 2 () PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 3 PROBATION

4 _____
 5 _____
 6 _____
 7 _____

8 JUDGE: _____

9 DATE: _____

10 ATTORNEY FOR DEFENDANT _____

11 ADDRESS _____ TELEPHONE _____

12 WITNESSES

13 _____
 14 _____

15 The notice, the appearance, the plea of either guilty or not guilty,
 16 and the waiver shall be printed on the summons. The trimmed size of
 17 the paper and stock on which the form is printed shall be nominally
 18 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)
 19 inches.

20 ~~(b)~~ (c) In civil traffic cases, the complaint and summons shall be
 21 in substantially the following form:

22 In the _____ Court of _____ County

23 Cause No. _____ Docket No. _____

24 Page No. _____

25 State of Indiana

26 SS: No. _____

27 County of _____

28 COMPLAINT AND SUMMONS

29 The undersigned having probable cause to believe and being duly
 30 sworn upon his oath says that:

31 On the _____ Day of _____, 20 ____ at ____ M

32 Name _____

33 Last First Middle

34 Street _____

35 City _____ State _____ Zip Code _____

36 Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____

37 Oper. Lic. # _____ St. _____ Did Unlawfully

38 Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

1 Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # ____
 2 Upon, (Location) ____
 3 ____
 4 A PUBLIC STREET OR HIGHWAY IN ____
 5 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
 6 ____
 7 ____
 8 ____
 9 CONTRARY TO THE FORM OF THE () STATE STATUTE
 10 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 11 OFFICER'S SIGNATURE ____
 12 I.D. No. ____ Div. Dist. ____
 13 POLICE AGENCY ____
 14 Subscribed And Sworn to Before Me
 15 (Deputy Clerk) ____
 16 This ____ Day of ____, 20 ____
 17 COURT APPEARANCE
 18 I PROMISE TO APPEAR IN ____
 19 COURTROOM ____
 20 ADDRESS: ____
 21 ON ____ THE ____ DAY OF ____, 20 ____
 22 AT __ M. OR BE SUBJECT TO ARREST.
 23 SIGNATURE ____
 24 "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"
 25 The complaint and summons shall consist of four (4) parts:
 26 (1) the original copy, printed on white paper, which shall be the
 27 abstract of court record for the Indiana bureau of motor vehicles;
 28 (2) the court copy, printed on white paper;
 29 (3) the police record, which shall be a copy of the complaint,
 30 printed on pink paper; and
 31 (4) the summons copy, printed on white stock.
 32 The reverse sides of the complaint and abstract of court record
 33 shall be substantially as follows, with such additions or deletions as are
 34 necessary to adapt the form to the court involved:
 35 RECEIPT # ____
 36 DATE ____
 37 COURT ACTION AND OTHER ORDERS
 38 BAIL \$ ____

1 REARREST BOND \$ _____ DATE _____
 2 1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____
 3 2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____
 4 3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____
 5 Motions Date Ruling Date
 6 1. ____ ____ ____ ____
 7 2. ____ ____ ____ ____
 8 3. ____ ____ ____ ____
 9 4. ____ ____ ____ ____
 10 PLEA () ADMIT
 11 () DENY
 12 () NOLO CONTENDERE
 13 FINDING () JUDGMENT FOR PLAINTIFF
 14 () JUDGMENT FOR DEFENDANT
 15 THE COURT THEREFORE, ENTERS
 16 THE FOLLOWING ORDER
 17 FINE \$ _____ AMOUNT SUSP. \$ _____
 18 (STATE) \$ _____
 19 COSTS
 20 (CITY) \$ _____
 21 () RECOMMENDED LICENSE SUSPENDED FOR _____
 22 () PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 23 PROBATION
 24 _____
 25 _____
 26 _____
 27 _____
 28 _____
 29 JUDGE: _____
 30 DATE: _____
 31 ATTORNEY FOR DEFENDANT _____
 32 ADDRESS _____ TELEPHONE _____
 33 WITNESSES
 34 _____
 35 _____
 36 The notice, appearance, plea of either admission, denial, or nolo
 37 contendere shall be printed on the summons. The trimmed size of the
 38 paper and stock on which the form is printed shall be nominally four

1 and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

2 ~~(c)~~ **(d)** The complaint form shall be used in traffic cases, whether
3 the charge is made by a law enforcement officer or by any other person.

4 ~~(d)~~ **(e)** Each judicial officer or police authority issuing traffic
5 complaints and summons:

6 (1) is responsible for the disposition of all the traffic complaints
7 and summons issued under the authority of the officer or
8 authority; and

9 (2) shall prepare and submit the records and reports relating to the
10 traffic complaints in the manner and at the time prescribed by
11 both the state examiner of the state board of accounts and the
12 bureau.

13 SECTION 37. IC 9-30-3-8 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may
15 issue a warrant for the arrest of a defendant who is an Indiana resident
16 and who fails to appear or answer a traffic information and summons
17 or a complaint and summons served upon the defendant. If the warrant
18 is not executed within thirty (30) days after issue, the court shall
19 promptly forward the court copy of the traffic information and
20 summons or complaint and summons to the bureau indicating that the
21 defendant failed to appear in court as ordered. The court shall then
22 mark the case as failure to appear on the court's records.

23 (b) If a defendant who is not an Indiana resident fails to appear or
24 answer a traffic summons served upon the defendant and upon which
25 the information or complaint has been filed thirty (30) days after the
26 return date of the information and summons or complaint and
27 summons, the court shall promptly forward the court copy of the traffic
28 information and summons or complaint and summons to the bureau.
29 The bureau shall notify the motor vehicle commission of the state of
30 the nonresident defendant of the defendant's failure to appear and also
31 of any action taken by the bureau relative to the Indiana driving
32 privileges of the defendant. If the defendant fails to appear or otherwise
33 answer within thirty (30) days, the court shall mark the case as failure
34 to appear on the court's records.

35 (c) If the bureau receives a copy of the traffic information and
36 summons or complaint and summons for failure to appear in court
37 **either on a form prescribed by the bureau or in an electronic**
38 **format prescribed by the division of state court administration,** the

bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 38. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action."

Page 26, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 40. [EFFECTIVE JULY 1, 2007] **(a) The bureau of motor vehicles shall adopt a written exceptions process to create exceptions under which licenses, permits, and identification cards may be issued pursuant to federal law under IC 9-24-9-2, IC 9-24-11-5, IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act, to:**

1 (1) individuals whose addresses have been suppressed under
2 state or federal court orders;

3 (2) individuals whose addresses are protected under section
4 384 of the federal Illegal Immigration Reform and Immigrant
5 Responsibility Act of 1996 (8 U.S.C. 1101f); and

6 (3) individuals who have no fixed addresses;

7 without requiring the individuals to provide all of the information
8 that would otherwise be required under IC 9-24-9-2, IC 9-24-11-5,
9 IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act.

10 (b) This SECTION expires on the earlier of the following:

11 (1) The date a written exceptions process is adopted under
12 subsection (a).

13 (2) December 31, 2008.

14 SECTION 41. [EFFECTIVE UPON PASSAGE] (a) As used in this
15 SECTION, "bureau" means the bureau of motor vehicles
16 established by IC 9-14-1-1.

17 (b) Notwithstanding IC 9-24-12-1(c), as amended by this act, an
18 operator's license issued:

19 (1) after May 14, 2007, and before January 1, 2008, expires at
20 midnight on the birthday of the holder that occurs five (5)
21 years following the date of issuance;

22 (2) after December 31, 2007, and before January 1, 2009,
23 expires at midnight on the birthday of the holder that occurs
24 four (4) years following the date of issuance; and

25 (3) after December 31, 2008, expires at midnight on the
26 birthday of the holder that occurs six (6) years following the
27 date of issuance.

28 (c) Notwithstanding IC 9-29-9-2, the fee for an operator's license
29 issued under IC 9-24 is:

30 (1) seven dollars and fifty cents (\$7.50) for an operator's
31 license issued after May 14, 2007, and before January 1, 2008;

32 (2) six dollars (\$6) for an operator's license issued after
33 December 31, 2007, and before January 1, 2009; and

34 (3) nine dollars (\$9) for an operator's license issued after
35 December 31, 2008.

36 (d) An additional fee, other than a fee set forth in subsection (c),
37 that is assessed or collected by the bureau under IC 9-16 or
38 IC 9-29-3-19 for the issuance of an operator's license after May 14,

- 1 **2007, and before January 1, 2009, shall be at the rate set forth in:**
- 2 **(1) a statute; or**
- 3 **(2) a rule adopted under IC 4-22-2;**
- 4 **as of May 14, 2007.**
- 5 **(e) This SECTION expires December 31, 2009."**
- 6 Renumber all SECTIONS consecutively.
 (Reference is to SB 463 as printed February 16, 2007.)

and when so amended that said bill do pass.

Representative Austin